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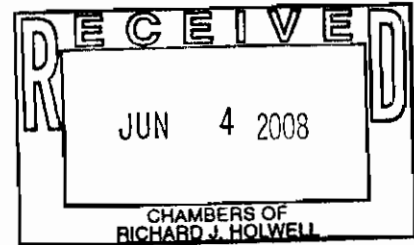
THE CITY OF NEW YORK
LAW DEPARTMENT
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June 4, 2008

VIA FACSIMILE (212)805-7958

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Patrick Stanley v. City of New York, et al., 08 Civ. 3885 (RJH)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York¹ in the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. Defendant City respectfully requests an adjournment of the Initial Conference presently scheduled for June 20, 2008 at 11:00 am, and a corresponding adjournment of the deadline for filing a consent scheduling order or proposed scheduling order in this matter. This is defendant City's first request for an adjournment of the Initial Conference in this matter. Plaintiff does not object to this request.

¹ At this time, this office has not yet completed its statutorily mandated determination of whether we may represent defendant Lt. John Wolf in this matter. Upon information and belief, defendant Wolf has been served with process, but as this office does not yet represent him in this matter, we make no representation about the propriety or adequacy of that service at this time, nor do we make any representations on defendant Wolf's behalf. Additionally, as plaintiff is aware, defendant Fiore is now retired from the NYPD. This office has agreed to provide plaintiff with defendant Fiore's service address as soon as possible.

Defendant City respectfully requests an adjournment of this conference until this office has properly investigated the allegations in plaintiff's complaint, as set forth in defendant City's May 6, 2008 letter request for an extension of time to answer or otherwise respond to plaintiff's complaint. Until that time, defendant City is unable to confer with plaintiff to draft a scheduling order for discovery in accordance with Your Honor's Scheduling Order Requirements. Specifically, defendant City cannot identify the major legal and factual issues in this case, propose a schedule for completion of discovery, propose a date for filing dispositive motions, or determine whether settlement discussions or a settlement conference would be beneficial at this time.

As plaintiff has provided fully executed releases permitting this office to access documents sealed pursuant to Criminal Procedure Law § 160.50, as well as medical releases, this office intends to be prepared to answer or otherwise respond to plaintiff's complaint by July 14, 2008, as previously requested. As such, this office also intends to be ready to confer with plaintiff and prepare a Scheduling Order on or about that date. If Your Honor should choose to adjourn this conference, this office will be prepared to appear at such a time convenient to the Court after defendant's answer is filed on July 14, 2008.

Accordingly, defendant City respectfully requests that Your Honor adjourn the June 20, 2008 conference and the deadline for filing a consent scheduling order or proposed scheduling order to a date convenient to the Court after July 14, 2008.

Thank you for your consideration herein.

Conference adjourned to
7/25/08 at 10:00 a.m.

SUBMITTED

DAITZ

Respectfully submitted,

Elizabeth M. Daitz

Elizabeth M. Daitz
Assistant Corporation Counsel

cc: Wylie Stecklow, Esq (via e-mail)

USDT

6/6/08